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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL NO. 12-2039 (GAG)

**COMMONWEALTH OF PUERTO RICO,
et al.,**

Defendants.

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ORDER re: Recommendations of the Special Master at Docket No. 1696

Reference is made to the Order of this Court of February 12, 2021 (Docket No. 1697) in which the United States Department of Justice (USDOJ) and the Commonwealth of Puerto Rico were asked to provide any comments or otherwise respond to the recommendations of the Special Master in his informative motion (Docket No. 1696) by March 15, 2021. The USDOJ filed a brief Response thereto with comments and recommendations (Docket No. 1708) while the Commonwealth opted not to, which the Court interprets as concurring with USDOJ.

In its response, USDOJ provided a concise overview of the matter and made specific requests regarding each of the three recommendations made by the Special Master. As to the first recommendation USDOJ notes that it has become moot. The Court concurs. Regarding the second recommendation USDOJ agrees. Accordingly, the same is adopted in full. Finally, as to the third recommendation USDOJ recommends that it be adopted with a modification. The Court concurs and adopts the same accordingly.

The Office of the Special Master shall lead and coordinate the implementation of the two recommendations adopted by the Court therein. The matter of an adequate promotions policy for the

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positions of inspector and higher is of the utmost importance towards compliance with the Consent Decree/Agreement for Sustainable Reform.

The Court reminds the Commonwealth of its several previous orders staying all promotions as to the above mentioned ranks within the Police Bureau. See Docket Nos. 1647, 1643, 1596 & 1593. This necessarily includes *de facto* promotions, details or their equivalent in any form or manner. Given that this a fact-intensive driven question, PRPB shall consult with USDOJ, Monitor and Special Master if contemplating what can arguably amount to a *de facto* promotion before taking any action.

Promotions shall resume when the Promotions Protocol to the ranks of Inspector and higher is completed and implemented. Accordingly, the Special Master is tasked with moving at all deliberate speed along with USDOJ, PRPB, and Monitor to lead discussions and assist in the drafting and implementation of such important and essential protocol.

The Court will not set a specific deadline to draft and implement the promotions protocol. However, it is in the best interest of the Commonwealth, police officers and citizenry that it this matter be concluded at the latest before the start of the next fiscal year, if possible. As advanced last year, once the promotions process in fact commences, the Court will appoint for monitoring purposes one or more civilian observers.

SO ORDERED.

In San Juan, Puerto Rico this 17th of March, 2021.

s/ Gustavo A. Gelpí
GUSTAVO A. GELPI
United States District Judge